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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,184	03/31/2004	Daniel A. Novak	WAFS122159	7211
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CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347				
EXAMINER AYRES, TIMOTHY MICHAEL				
ART UNIT		PAPER NUMBER		
3637				

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/815,184

Applicant(s)

NOVAK, DANIEL A.

Examiner

Timothy M. Ayres

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/31/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### DETAILED ACTION

This is a first office action on the merits of application SN 10/815,184.

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

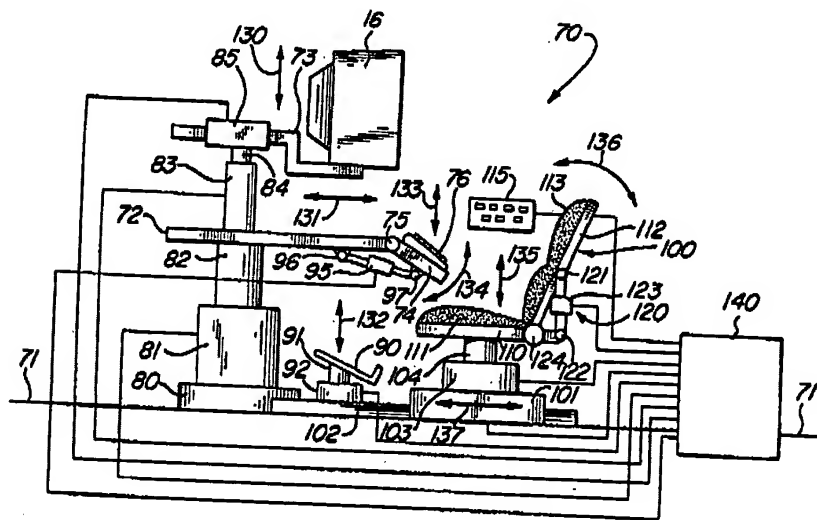
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1, 2, 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,296,408 to Larkin in view of US Patent 4,734,012 to Dob and US Patent 6,599,000 to Nolan. Larkin teaches a workstation with a first work surface that inherently exists at the end of the arm (73) to support the monitor (16). The first work surface having a first lift mechanism (83, 84) for adjusting the height (130) of the first work surface. A second work surface (74) has a second lift mechanism (95, 82, 81) for adjusting the height (133, 134) of the second work surface (74). A single point user interface (115) is connected to a control box (14) that receives inputs for controlling the

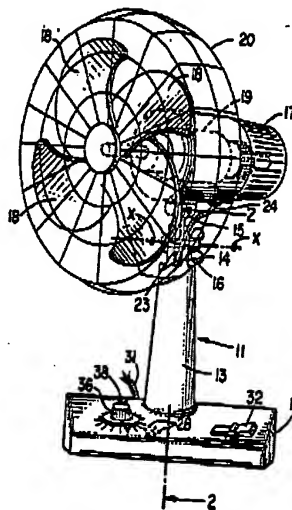
height of the work surfaces as well an input from a motion detector. The control box (140) also can control other items such as the movement of the chair and foot rest. The second lift mechanism comprises a linear actuator and a lever mechanism (95) that causes movements in multiple directions (131,133,134).



Larkin '408 Figure 2

4. Larkin does not expressly disclose a fan and work light disposed on the workstation and connected to the control box for controlling speed and intensity. Dob teaches a pivotal fan (11) that is capable of being placed on a workstation. The fan includes a speed control (36) and an on/off switch (32). The office takes official notice that is well known to have remote control of a ceiling's fan speed and intensity of light via a dimmer mounted in the wall or via a handheld remote control to allow for ease of control and use of the ceiling fan. At the time of the invention it would have been obvious to modify the workstation of Larkin by placing the fan on the workstation as

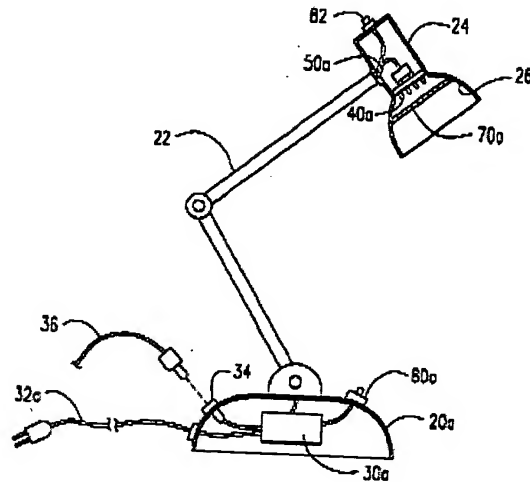
taught by Dob to cool a user and to connect the control of the fan to the control box like all other electrical devices of Larkin and as commonly done in ceiling fans to allow for ease of use by having remote control of the fan.



Dob '012 Figure 1

5. Larkin in view of Dob does not expressly disclose a work light disposed on the workstation and connected to the control box for controlling intensity.
6. Nolan teaches a work light that is capable of being placed on a workstation. The work light includes a dimmer switch (82) for allowing the intensity of light to be controlled. At the time of the invention it would have been obvious to modify the workstation of Larkin in view of Dob by placing the work light on the workstation as taught by Nolan to allow a user better viewing of a work surface and to connect the control of the light to the control box like all other electrical devices of Larkin and as

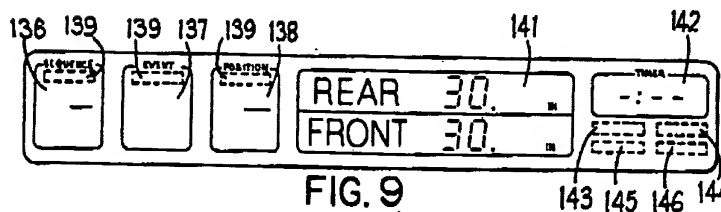
commonly done in ceiling fans to allow for ease of use by having remote control of the fan.



Nolan '000 Figure 1

7. Claim 3 and 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,296,408 to Larkin in view of US Patent 4,734,012 to Dob and US Patent 6,599,000 to Nolan as applied to claims 1 and 2 above, and further in view of US Patent 5,224,429 to Borgman. Larkin in view of Dob and Nolan discloses every element as claimed and discussed above except the single user interface comprising a first indicator and a second indicator displaying relative height of the work surfaces and a switch disposed at a forward position of the workstation. Borgman teaches a workstation with two elevating work surfaces (12,13). A control box (91) is connected to the lift mechanisms (45) and a single point user interface (92) located at the front

FIG. 1



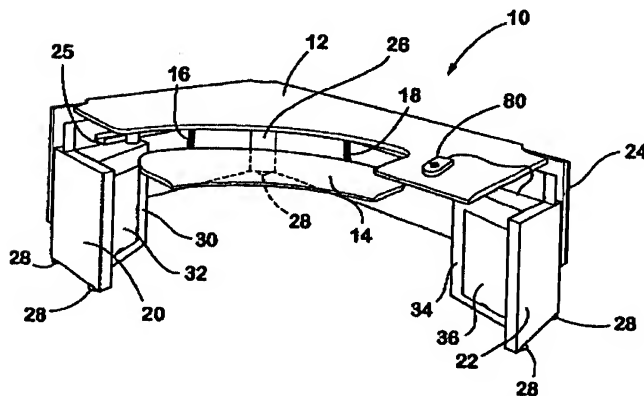
Borgman '429 Figures 1 and 9

8. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,296,408 to Larkin in view of US Patent 4,734,012 to Dob, US Patent 6,599,000 to Nolan, and US Patent 5,224,429 to Borgman as applied to claim 3 above, and further in view of US Patent 3,255,337 to Willat. Larkin in view of Dob, Nolan, and Borgman disclose every element as claimed and discussed above except a radiant heating element that is a heated floor pad and is connected to the single user point user interface. Willat teaches a radiant heating pad (10) for floors that is an electrical device. At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the workstation of Larkin in view of Dob, Nolan, and Borgman by adding a the heating pad to the workstation as taught by Willat to warm a user and connecting the electrical control to the control box to allow a dimmer to control the amount of heat coming form the pad as is common with small electric heater such as those available at a hardware store.

9. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,296,408 to Larkin in view of US Patent 4,734,012 to Dob and US Patent 6,599,000 to Nolan as applied to claims 1 and 2 above, and further in view of US Patent 6,286,441 to Burdi. Larkin in view of Dob and Nolan discloses every element as claimed and discussed above except the second lift mechanism attaching the second



work surface to the first surface and the first lift mechanism comprises a plurality of linear actuators each having a servo motor and a pair of telescoping tubes. Burdi teaches a workstation (10) with a first work surface (12) having a first lift mechanism (46,66, 56, 76, 40,60) and second work surface (14) having a second lift mechanism (16,18). The first lift mechanism (46,66, 56, 76, 40,60) has a plurality of linear actuators (46,66, 56, 76, 40,60) with each linear actuator comprising a servomotor (40,60) and a pair of telescoping tubes (66,76, 46,56). Adjustable connecting members (16,18) attach the second work surface (14) to the first work surface (12). At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the workstation of Larkin in view of Dob and Nolan by changing the work surfaces and the first lift mechanism as taught by Burdi to give an increased work surface area with more area in reach of the user.



Burdi '441 Figure 1

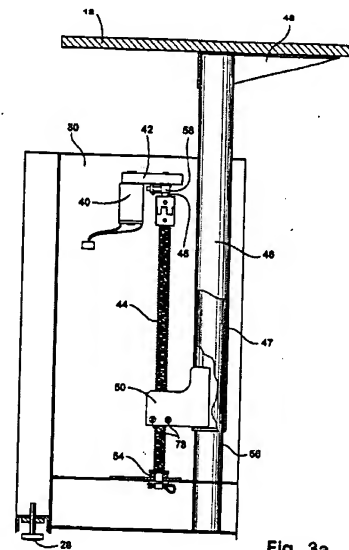


Fig. 3a

Burdi '441 Figure 3a

10. Claims 12, 15-18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,296,408 to Larkin in view of US Patent 4,734,012 to Dob and US Patent 6,599,000 to Nolan as applied to claims 1 and 2 above, and further in view of US Patent 3,255,337 to Willat and US Patent 6,286,441 to Burdi. Larkin in view of Dob and Nolan discloses every element as claimed and discussed above except the second lift mechanism attaching the second work surface to the first surface, the first lift mechanism comprises a plurality of linear actuators each having a servo motor and a pair of telescoping tubes, and a radiant heating element that is a heated floor pad and is connected to the single user point user interface.
11. Willat teaches a radiant heating pad (10) for floors that is an electrical device. At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the workstation of Larkin in view of Dob and Nolan by adding a the heating pad to the workstation as taught by Willat to warm a user and connecting the electrical control to the control box to allow a dimmer to control the amount of heat coming form the pad as is common with small electric heater such as those available at a hardware store.
12. Larkin in view of Dob, Nolan, and Willat does not expressly disclose the second lift mechanism attaching the second work surface to the first surface and the first lift mechanism comprises a plurality of linear actuators each having a servo motor and a pair of telescoping tubes.

13. Burdi teaches a workstation (10) with a first work surface (12) having a first lift mechanism (46,66, 56, 76, 40,60) and second work surface (14) having a second lift mechanism (16,18). The first lift mechanism (46,66, 56, 76, 40,60) has a plurality of linear actuators (46,66, 56, 76, 40,60) with each linear actuator comprising a servomotor (40,60) and a pair of telescoping tubes (66,76, 46,56). Adjustable connecting members (16,18) attach the second work surface (14) to the first work surface (12). At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the workstation of Larkin in view of Dob, Nolan, and Willat by changing the work surfaces and the first lift mechanism as taught by Burdi to give an increased work surface area with more area in reach of the user.

14. Claims 13, 14, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,296,408 to Larkin in view of US Patent 4,734,012 to Dob and US Patent 6,599,000 to Nolan, and further in view of US Patent 3,255,337 to Willat and US Patent 6,286,441 to Burdi as applied to claim 12 above, and further in view of US Patent 5,224,429 to Borgman. Larkin in view of Dob, Nolan, Willat, and Burdi discloses every element as claimed and discussed above except the single user interface comprising a first indicator and a second indicator displaying relative height of the work surfaces and a switch disposed at a forward position of the workstation.

15. Borgman teaches a workstation with two elevating work surfaces (12,13). A control box (91) is connected to the lift mechanisms (45) and a single point user

interface (92) located at the front portion of the workstation as seen in figure 1. The single point user interface (92) has a display (132, 141) that indicates the heights of the work surfaces as in figure 9. At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the workstation of Larkin in view of Dob, Nolan, Willat, and Burdi by having the single point user interface be located at a front portion of workstation and to have a display for indicating the relative heights of the work surfaces as taught by Borgman to facilitate proper positioning of the heights of the table and efficient use.

16. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,296,408 to Larkin in view of US Patent 4,734,012 to Dob. Larkin teaches a workstation with a first work surface that inherently exists at the end of the arm (73) to support the monitor (16). The first work surface having a first lift mechanism (83, 84) for adjusting the height (130) of the first work surface. A second work surface (74) has a second lift mechanism (95, 82, 81) for adjusting the height (133,134) of the second work surface (74). A single point user interface (115) is connected to a control box (14) that receives inputs for controlling the height of the work surfaces as well an input from a motion detector. The control box (140) also can control other items such as the movement of the chair and foot rest. The second lift mechanism comprises a linear actuator and a lever mechanism (95) that causes movements in multiple directions (131,133,134).

17. Larkin does not expressly disclose a fan disposed on the workstation and connected to the control box for controlling speed and a plurality of sound-damping walls in a generally c-shaped configuration. Dob teaches a pivotal fan (11) that is capable of being placed on a workstation. The fan includes a speed control (36) and an on/off switch (32). The office takes official notice that is well known to have remote control of a ceiling's fan speed and intensity of light via a dimmer mounted in the wall or via a handheld remote control to allow for ease of control and use of the ceiling fan. At the time of the invention it would have been obvious to modify the workstation of Larkin by placing the fan on the workstation as taught by Dob to cool a user and to connect the control of the fan to the control box like all other electrical devices of Larkin and as commonly done in ceiling fans to allow for ease of use by having remote control of the fan.
18. Larkin in view of Dob does not expressly disclose a plurality of sound -damping walls in a c-shape configuration. The office takes official notice that it is well known to place walls or partitions around workstations that create a sound damping effect to give the user more privacy.
19. At the time of the invention it would have been obvious to modify the workstation of Larkin in view of Dob by adding sound-damping walls in a c-shaped configurations so to give the user more privacy and c-shaped to provide a more atheistic appearance.

**Conclusion**

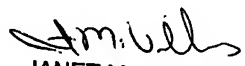
20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patents to Rice, Petroff, Wallin, Doyle, Eyre teaches a workstation that is height adjustable and has a single point user interface located at the front edge of the work surface. US Patent to Hung teaches workstation with a work light. US Patent Rorke and Japanese Patent to Shimazu teach fans with workstations.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Ayres whose telephone number is (571) 272-8299. The examiner can normally be reached on MON-THU 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TMA  
5/10/06



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PRIMARY EXAMINER  
A 10 3637